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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

3:00-cr-00058-HDM-RAM-1

8

Plaintiff,

3:06-cv-0368-HDM

9

vs.

ORDER

10 HUMBERTO MAGANA-ARIAS,

11 Defendant/Petitioner.

12 \_\_\_\_\_ /

13       Defendant, Humberto Magana-Arias, appealed this action. On March  
14 5, 2010, the Ninth Circuit Court of Appeals vacated this court's  
15 judgment dismissing the defendant's successive § 2255 motion on the  
16 merits. The Court of Appeals remanded the case with instructions to  
17 dismiss the defendant's § 2255 motion for lack of jurisdiction. The  
18 Court of Appeals' mandate was issued on June 21, 2010. Accordingly,  
19 the defendant's § 2255 motion is DISMISSED for lack of jurisdiction.

20       It is so ORDERED.

21       Dated this 28th day of June, 2010.

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*Howard D. McKibben*

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UNITED STATES DISTRICT JUDGE

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